App. F. IX-4

1935-6
(g.s)

File No. 40-35
Serial Nos. 1-2

Previous References
Legis 46-14 (1-7)

Later References
g.s 40-35 (3-4)

Print. preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two.

9 | 12

Part B for July '36

SUBJECT.

Opening of a Branch of the Imperial Bank of India in the Mysore state

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D.No 6 S. dt. 31.7.36

From Regr. g.s. Companies.

States that a reply may be sent to the Bank that Sect^n 277 is applicable in the case unless special sanction of Govt is obtained.

GENERAL AND REVENUE SECRETARIAT.

(G.S)

NOTES.

File No. 40-35

FILE HEADING.

Opening of a Branch of the Imperial Bank of India in the Mysore State

FROM The Resident at Bangalore

No. C 49/36-37 Dated 25/5/36 Received 27/5/36

Diary No. 5731 | Enclos. one | Spare copies — | Serial No. 1

BRIEF ABSTRACT OF LETTER

Requests legal opinion whether the provisions of section 277 of the Mysore Companies Regulation applies to the Imperial Bank of India which intends to open a Branch in the State and which is exempted from the operation of the Indian Companies

NOTES AND ORDERS.

1) A copy of the Mysore Companies Regulation with Sec 277 flagged ✓ is placed herewith for perusal Law Secretary may be consulted

2) Sd/- Secy) 28-5-36
V.S. 28.

3) Put Secy Law Secretary with compliments

Opening of a Branch of the Imperial Bank India in the Mysore State.

File No. 40 of 1935. | General and Revenue Secretariat

Imperial Bank of India has been established as Imperial Bank of India Act of 1920. does not come under the definition of the "Company" as defined in sec 2(7) and (8) of the Myb. Companies Regn of 1917, which is not not applicable

5) Sec 277 of the Companies Regulation applies to all companies incorporated outside Mysore. It is not at all necessary that such Companies ought to be incorporated under the Indian Companies Act. Now the Imperial Bank of India is a company incorporated under a special Act, viz the Imperial Bank of India Act and consequently it has to comply with the requirements of Sec 277 if it establishes a place of business within mysore. Hence the proviso to subsec 3 of sec 277, govt have however powers to exempt any Company from the requirements of the said Subsec.

Asst Secy dev with Comps } BRP 3/6/36

3 JUNE 1936
DEVELOPMENT DEPTT.

seems better to consult the Govt Advocate on the point re

Opening of a Branch of the Imperial Bank of India in the Mysore State.

General and Revenue Secretariat. | File No. 40 of 1935 | [App. F. III-2

yes. the G. A mysore requested further time very early

Ley. 6.6.36

No 1030/35-36 of 11-6-36

210 - Memo no 323 of 1935-36 dt 6.6.36

7) Forwarded with Compliments to the Government Advocate in Mysore for favour of opinion very early

By order

Asst Secy

For Secretary to Government Development Department

8)

No. 100-1/1936-37 dt 8.7.36

I agree with the opinion of the Asst Secy. The file is returned with Compliments.

S. Nallayyaswami Iyer

7.7.36

SECOND MEMBER OF COUNCIL. 9 JULY 1936

9) Forwarded

Secretary

9/7/36

NW. 9.7.36. Ley 9.7.36

10) The commr may reply that compliance with the requirements of section 277 should be complied with unless a special exemption is obtained from Govt

NW 14/7/36

NW 14.7.36. Ley 14.7.36

NOTE—Contn. Sheet.

5731

No. 40 of 193 8

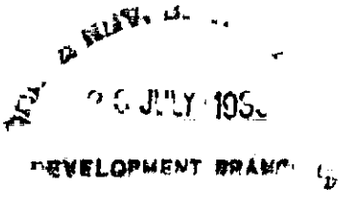
General and Revenue Secretariat

- Subs from

Issue by 16.7.38

Letter No D465 dated 21/7/38 to the Registrar of Companies stating that applications received by the Board since the 27th ~~should be~~ will be applicable in their case unless specific instructions to the contrary are received.

B. Sh
23/7/38



No. C49/36.37 eeeclo. one

J. S. No. 35-1.

OFFICE OF THE REGISTRAR OF JOINT STOCK COMPANIES IN MYSORE,

Bangalore, dated 25th May *1936*

5721/26.

GOVT. SECRETARIAT 27 MAY 1936 DEVELOPMENT BRANCH

From

B. T. Kesavaiengar, Esq., B.A.,
REGISTRAR OF JOINT STOCK COMPANIES IN MYSORE.

To

M. Venkatanaranappa, Esq., B.A.,
Secretary to the Government
of His Highness the Maharaja of Mysore,
Development Department,
Bangalore.

SIR,

I have the honour to state that the Imperial Bank of India which has been registered under the Imperial Bank of India Act of 1904 is desirous of establishing a Branch in the Mysore State and requests to be informed whether the provisions of Section 277, - Mysore Companies Regulation, should be complied with (vide copy of letter enclosed).

2. Section 4 of the Indian Companies Act specifically exempts - companies "formed in pursuance of an Act of the Governor-General in Council or Royal Charter or Letters Patent" from the operation of the Indian Companies Act.

The Imperial Bank of India, having been registered under a - Special Act, is beyond the jurisdiction of the Indian Companies Act.

3. The point for consideration is whether a company registered in British India under a Special Act like the Imperial Bank of India Act should comply with the provisions of Section 277, Mysore Companies Regulation if a place of business is to be established in the Mysore State.

4. I should, however, bring to the notice of Government that the Foreign Insurance Companies which have established places of business in Mysore have filed the documents prescribed in Section 277, Mysore Companies Regulation, and there are 14 of such companies on the rolls of this office.

5. In these circumstances, I request that legal opinion may - kindly

kindly be obtained in the matter and communicated to me for taking further action.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

SL.
26/5.

7 (7

Letter No. 1244 dated 13th May 1936 from the Agent, Imperial Bank of India, Bangalore, to the Registrar of Joint Stock Companies in Mysore, Bangalore.

It is our desire to open an Office of the Bank in the Ci[illegible] and we understand that the establishment of such Office is subject to the Mysore Companies Regulations.

Please let us know if we have to comply with the requirements of Section 277 of the Mysore Companies Regulations, in view of the fact that we are established under the Imperial Ba[illegible] of India Act of 1920.

An early reply will greatly oblige us.

"Copy"

P. Ramanath

FOR REGISTRAR.

SL.
26/5.

MR

Appendix F G—1]

SUBJECT.....

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Section J. 8

File No. 40-35

Serial No. 7

Diary No. of letter replied to.....

No. D 463—

To

The Registrar of J.S. Companies

Sir,

I write reference your letter No C 49/36-37 dated the 28th May requesting ~~orders of Govt~~ instructions in the matter of the Compliance with the provisions of Sections 277 of the Mysore Companies Regulation by the ~~Mysore branches of the~~ Imperial Bank of India in respect of its branch proposed to be opened in the Mysore State. I am directed to state that a reply may be sent to the Bank that the requirements of Section 277 of the Mysore Companies Regulation stand

General and Revenue Secretariat

( )

the *193* .

Date of issue 21. 7. 36

Signed by K. Subba Rao.

List of enclosures.....

Copied by.....

Examined by.....

Section 277 applies to all Companies incorporated outside Mysore irrespective of the fact that they are registered under the Indian Companies Act or any other Special Act and that

WD 03601—GPB—30,000—23-9-35

Bk 17/7

Complies with rules Special
exception is obtained - permission

Thanks

by
16.7.26
Mr Dewsbury

6

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 17th July *193*6

No. D 465 —
F. 8.40-35-2

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Registrar of Joint-Stock Companies in Mysore,
Bangalore.

Sir,

With reference to your letter No.C.49/36-37 dated the 26th May 1936 requesting instructions in the matter of compliance with the provisions of Section 277 of the Mysore Companies Regulation, by the Imperial Bank of India in respect of its branch proposed to be opened in the Mysore State, I am directed to state that Section 277 applies to all companies incorporated outside Mysore irrespective of the fact that they are registered under the Indian Companies Act or under any other special Act and that a reply may be sent to the Bank that the requirements of Section 277 of the Mysore Companies Regulation should be complied with unless special exemption is obtained from Government.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government,
Development Department.